

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

PETER KIEWIT SONS', INC.,

Plaintiff,

vs.

KIEWIT CONSTRUCTION, L.L.C., and
MICHAEL ALLEN HENDRICKSEN,

Defendants.

8:21CV372

MEMORANDUM AND ORDER

This matter comes before the Court on the Plaintiff's response to order to show cause and motion to dismiss without prejudice. [Filing No. 26](#).

On September 23, 2021, the plaintiff, Peter Kiewit Sons', Inc., filed the present case. [Filing No. 1](#). The Court issued a temporary restraining order initially, [Filing No. 16](#), followed by a preliminary injunction on October 15, 2021, which remains in effect, [Filing No. 22](#). Plaintiff posted a \$100 surety bond in conjunction with the temporary restraining order that was continued for purposes of the preliminary injunction. [Filing No. 17](#); [Filing No. 22 at 3](#).

On February 11, 2022, the Court issue an order directing plaintiff to show cause why the case should not be dismissed for want of prosecution. [Filing No. 25 at 2](#). On March 3, 2022, Plaintiff filed a response indicating that the present controversy has been resolved and asking the Court to dissolve the preliminary injunction, discharge its order to show cause, release the bond the plaintiff posted in conjunction with the injunctive orders, and dismiss the action without prejudice. [Filing No. 26 at 1](#).

Having reviewed the pleadings and pursuant to [Federal Rule of Civil Procedure 41\(a\)\(1\)\(A\)\(i\)](#), the Court finds the plaintiff's motion should be granted.

IT IS ORDERED:

1. The preliminary injunction, [Filing No. 22](#), is dissolved, and Plaintiff's surety bond, Filing No. 17, is released; and
2. Plaintiff's motion to dismiss, [Filing No. 26](#), is granted; this case is dismissed without prejudice; and the Court will issue a separate judgment.

Dated this 27th day of April, 2022.

BY THE COURT:

s/ Joseph F. Bataillon
Senior United States District Judge